

The Honorable David G Estudillo

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CLAUDIA ARIAS, an individual,

Plaintiff,

v.

STATE OF WASHINGTON – UNIVERSITY
OF WASHINGTON TACOMA (“UWT”), a
state educational institute; VERN HARNER,
officially and individually; CLAUDIA
SELLMAIER, officially and individually;
ANDREA HILL, officially and individually;
KEVA MILLER, officially and individually;
and ELAVIE NDURA, officially and
individually,

Defendants.

CASE NO. 3:25-cv-05079-DGE

**JOINT STATUS REPORT AND
DISCOVERY PLAN**

Pursuant to Fed. R. Civ. P. 26(f), LCR 26(f), and the Court’s Order Regarding Initial Disclosures, Joint Status Report, and Early Settlement (Dkt. 5), Defendants University of Washington, Vern Harner, Claudia Sellmaier, Andrea Hill, Keva Miller (“Defendants”), and Plaintiff Claudia Arias (“Plaintiff”), through their undersigned counsel, jointly submit the following report and discovery plan:

1. A statement of the nature and complexity of the case.

Plaintiff’s statement: Claudia Arias is a former student in the UWT-Tacoma Bachelor of Social Welfare program. Arias filed this lawsuit against UWT and certain individually named employees who wrongfully expelled her from the program for engaging in protected activities. Arias

1 seeks an order vacating her expulsion, voiding any blacklisting, enjoining any continuing restraint
 2 on her free exercise of religion and speech, and restraint on her completing her education in social
 3 work at UWT and being awarded her baccalaureate degree from the social work program. She also
 4 seeks damages for her lost income and injuries, punitive damages against individual defendants, and
 5 attorney's fees pursuant to 42 U.S.C. §1988. Arias' causes of action include 42 U.S.C. § 1983 –
 6 Free Exercise of Religion, Free Speech Retaliation, Compelled Speech, and Procedural Due Process
 7 and state law claims including violation of Washington Law Against Discrimination, Outrage,
 8 Negligence, and Tortious Interference with Business Expectancy.

9 Defendants' statement: Defendants deny Plaintiff's claims and maintain that Plaintiff's
 10 Complaint fails to properly plead actionable claims against Defendants. Defendants have moved to
 11 dismiss Plaintiff's claims under Fed. R. Civ. Proc. 12(b)(6). Defendants further deny that they
 12 violated Plaintiff's federal or state constitutional rights, deny that they violated the Washington Law
 13 Against Discrimination, deny that they committed any state law torts, and further deny that they
 14 mistreated Plaintiff in any way. Defendants maintain that Plaintiff is not entitled to any damages,
 15 declaratory or injunctive relief.

16 The parties agree that this case is not overly complex.

17 **2. A proposed deadline for the joining of additional parties.**

18 The parties propose June 6, 2025 as the deadline for joining additional parties. The
 19 parties do not anticipate that any additional parties will be joined.

20 **3. Consent to Magistrate Judge Theresa L. Fricke.**

21 No.

22 **4. Discovery Plan.**

23 (A) Initial disclosures: The parties exchanged initial disclosures on the
 24 April 29, 2025 deadline.

25 (B) Subjects, timing, and potential phasing of discovery: Plaintiff expects to
 26 seek written discovery and depositions into facts on liabilities and damages. Discovery

1 into social work values, UWT promises and actions on inclusion and free thinking and
2 debate, costs of education, policy objectives for higher education and scope of authority
3 and purpose for actions and inaction to support Claudia Arias and the discriminatory
4 barriers and hurdles required of her as opposed to others who did not have her same
5 protected status.

6 Defendant University of Washington issued its first set of written discovery
7 requests to Plaintiff on April 25, 2025. Defendants expect to conduct discovery on variety
8 of matters concerning Plaintiff's claims and Defendant's defenses, including the factual
9 bases for Plaintiff's claims and alleged damages, her communications with others and
10 public statements about matters pertinent to her claims, Plaintiff's efforts to mitigate her
11 damages, and other subjects.

12 Defendants believe that no discovery should be sought from the individual
13 defendants (Vern Harner, Claudia Sellmaier, Andrea Hill, and Keva Miller) until the Court
14 rules on the Defendants' Pending Motion to Dismiss (Dkt. 12).

15 Otherwise the parties do not anticipate the need for phased discovery.

16 (C) Electronically stored information: This case involves electronically stored
17 information ("ESI"). The parties intend to work cooperatively regarding discovery,
18 including discovery of ESI.

19 (D) Privilege issues: The parties do not believe that this case will involve
20 unique claims of privilege or work product protection. The parties agree that a protective
21 order will be appropriate in this action to limit disclosure of personal, confidential, and
22 proprietary information.

23 (E) Proposed limitations on discovery: The parties do not have any proposed
24 changes to the limitations of discovery at this time.

25 (F) The need for any discovery related orders: The parties agree that a
26 protective order will be appropriate in this action to limit disclosure of personal,

1 confidential, and proprietary information. Furthermore, the University will need to
2 comply with the Federal Educational Rights and Privacy Act (20 U.S.C. § 1232g and 34
3 C.F.R. Part 99) prior to disclosing the educational records of current or former students
4 other than Plaintiff, including obtaining student consent or a court order.

5 **5. The parties' views, proposals, and agreements on the following topics:**

6 (A) Prompt case resolution: The parties have had preliminary settlement
7 discussions which were not successful. Unless this case is dismissed on a dispositive
8 motion, the parties do not currently foresee other possibilities for this case promptly
9 resolving.

10 (B) Alternative dispute resolution: Given the informal settlement discussions
11 that have taken place to date, the parties do not presently see the value in engaging in ADR
12 and have no current plans to do so.

13 (C) Related cases: None.

14 (D) Discovery management: The parties intend to cooperate with each other
15 and work together in good faith together on discovery issues to promote the expeditious
16 and inexpensive resolution of the case. The parties agree to provide each other with
17 discovery obtained from third parties.

18 (E) Anticipated discovery sought: See ¶4(B).

19 (F) Phasing motions: The University has filed a Motion to Dismiss (Dkt. 12)
20 and that motion remains pending. The University also anticipates filing a motion for
21 summary judgment on any remaining claims.

22 (G) Preservation of discoverable information: The parties have taken steps to
23 preserve discoverable information and will continue to do so.

24 (H) Privilege issues: See ¶4(D).

1 (I) Model Protocol for Discovery of ESI; The parties not currently anticipate
2 requesting entry of the Model Protocol for Discovery of ESI and intend to cooperate and
3 work in good faith together concerning the discovery of ESI.

4 (J) Alternatives to Model Protocol. The parties intend to cooperate and work in
5 good faith together concerning the discovery of ESI, including proposing and attempting to
6 reach agreement on application of search terms to particular custodial accounts and the use
7 of e-discovery software for such purposes.

8 **6. The date by which discovery can be completed.**

9 The parties suggest that the discovery deadline be set 120 days prior to trial date.

10 **7. Bifurcation.**

11 The parties currently do not see the value or need to bifurcate this matter.

12 **8. Pretrial statements and pretrial order.**

13 The parties believe that the deadlines and requirements for pretrial statements and
14 pretrial order should be maintained.

15 **9. Any other suggestions for shortening or simplifying the case.**

16 None at this time.

17 **10. Date case ready for trial.**

18 The parties anticipate this case will be ready for trial in June 2026.

19 **11. Whether the trial will be jury or non-jury.**

20 Plaintiff has requested a jury trial.

21 **12. The number of trial days required.**

22 The parties currently anticipate trial will require 5-6 days.

23 **13. The names, addresses, and telephone numbers of all trial counsel.**

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14. Trial date complications.

Defense counsel has a trial scheduled to start March 9, 2026 which is currently anticipated to last up to three weeks.

Plaintiff's counsel does not have any trials scheduled in late Spring/Summer 2026.

15. Service of Defendants.

All defendants have been served.

16. Whether any party wishes a scheduling conference before the Court enters a scheduling order in the case.

A Scheduling Conference is currently scheduled for May 9, 2025 via Zoom, which both parties would prefer to keep prior to the entry of any scheduling order.

17. Corporate disclosure statement.

No applicable.

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1 DATED this 6th day of May, 2025.

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3 III BRANCHES LAW, PLLC
Attorneys for Plaintiff Claudia Arias

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CERTIFICATE OF SERVICE

I hereby certify that on this day I caused a true and correct copy of the foregoing JOINT STATUS REPORT AND DISCOVERY PLAN to be served, as indicated, upon the following CM/ECF participants:

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DATED this 6th day of May, 2025.

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